GW/TMII:gth 02/03/06 480776 I-001-01/0 PATENT

Attorney Reference Number 6395-64908-01
Application Number 09/826,115

#### Remarks

Claims 1, 3-17, 28, 32, 34 and 36 are pending in this application. Claims 1, 3-15, 17, 28, 32, 34 and 36 are free of the prior art of record and are allowed. Claim 16 is amended herein.

Please amend claim 16 as indicated above in the Listing of the Claims. No new matter is introduced by way of amendment to claim 16, which is submitted to more clearly define the subject matter of the claim. Support for isolated cells is found, for example, in Example 2, beginning on page 39, line 6.

#### Consideration of Information Disclosure Statements

Applicant thanks the Examiner for his consideration of the Information Disclosure Statement (IDS) filed August 15, 2005. Receipt of the signed copy of the Form 1449 is acknowledged.

However, Applicant notes (as previously indicated in the Response and Request for Continued Examination filed February 17, 2005) that there is no indication that information disclosure statements filed July 27, 2001, and February 15, 2002, have been considered. Applicant respectfully requests that the Examiner return an initialed copy of the forms 1449 submitted on July 27, 2001, and February 15, 2002, indicating that the references cited therein have been considered. Copies of these PTO-1449 forms are included herewith for the Examiner's convenience.

#### Claim 16 is directed to statutory subject matter.

Claim 16 was rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 16 is amended herein in accordance with the Examiner's suggestions, obviating this rejection. Claim 16 as amended is directed to an *isolated* cell. Applicant does not intend to claim any naturally occurring cell of a human subject to whom a claimed nucleic acid has been administered as a component of a vaccine. Applicant respectfully requests withdrawal of this rejection in light of the above amendments and remarks.

GW/TMH:gth 02/03/06 480776 I-001-01/0 PATENT Attorney Reference Number 6395-64908-01 Application Number 69/826,115

#### Conclusion

Applicant believes that all pending claims are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. If any substantive issues remain, the Examiner is requested to telephone the undersigned prior to the preparation of any further written Action to arrange for a telephonic interview.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

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Telephone: (503) 595-5300 Facsimile: (503) 595-5301

Gwynedd Warren, Ph.D. Registration No. 45,200



### ATTORNEY DOCKET NO. 14114.0332U3 PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

In re application of CENTRAL FAX

Chang : Group Art Unit: 1642 FEB 0 3 2006

Confirmation No. 4134

Serial No. 09/826,115 : Examiner: Unassigned

Filed: April 4, 2001

For: "NUCLEIC ACID VACCINES FOR :

PREVENTION OF WEST NILE VIRUS INFECTION AND NONINFECTIOUS ANTIGEN FOR DIAGNOSTIC TEST"

# SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT SUBMITTED IN ACCORDANCE WITH THE PROVISIONS OF 37 C.F.R. §1.97(b)

Commissioner for Patents Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C. Suite 1200, The Candler Building 127 Peachtree Street, N.E. Atlanta, Georgia 30303-1811

February 15, 2002

Sir:

Submitted herewith on Form PTO 1449 is a listing of documents known to applicants and/or their attorneys pursuant to the requirements of 37 C.F.R. §1.56. A copy of each of these documents is enclosed.

Consideration of the cited documents and making the same of record in the prosecution of the above-noted application are respectfully requested.



#### ATTORNEY DOCKET NO. 14114.0332U3 SERIAL NO. 09/826,115

As these documents are considered to be timely filed, no fee is believed due. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

Mary Miller

Registration No. 39,303

NEEDLE & ROSENBERG, P.C. Suite 1200, The Candler Building 127 Peachtree Street, N.E. Atlanta, Georgia 30303-1811 404/688-0770

I hereby certify that this corresto: Commissioner for Patents	spondence is being deposited with the Washington, D.C. 20231, on the da	United States Postal Service to listed below	as first class mail in an envelop	e addressed
$\sim$	J 1 00	<i>~</i> ,	احر مصب	

Mary Miller

ATTORNEY DOCKET NO. 14114.033203 SERIAL NO. 09/826.115 Page 1 of 2

### COPY

Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 7-		ATTORNEY DOCKET NO.: 14114.0332U3		SERIAL NO	SERIAL NO. 09/826,115			
80) PATENT AND THADEMARK OFFICE				APPLICANT: Chang				
LIST OF FRIOR ART CITED BY APPLICANT (Use several sheets if necessary)				FILING DATE: April 4, 2001		GROUP: (	GROUP: Unassigned	
				U.S. PATENT DOCUMENTS				
EXAMINER INITIAL		Document No.	DATE	NAMÉ	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	B1	6,165,477	12/26/00	Ivy et al.		· <u></u>		
-				FOREIGN PATENT DOCUMENTS	11			
		OTHER PRI	OR ART (Inc.	luding Author, Title, Date, Pe	ortinent Pages,	Etc.)		
	B2	Alvarez et al. A Phase I Study of Recombinant Adenovirus Vector-Mediated Delivery of an Anti-exbB-2 Single-Chain (sFv) Antibody Gene for Previously Treated Ovarian and Extraovarian Cancer Patients. Hum. Gene Ther. 8:229-242 (January 20, 1997)						
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ATTORNEY DOCKET NO. 14114.033203 SERIAL NO. 09/826.115 Page 2 of 2

### Copy

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i		

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

## ATTORNEY DOCKET NO. 14114.0332U3 PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Chang

Serial No.: 09/826,115

Filed: April 4, 2001

For:

NUCLEIC ACID VACCINES FOR

PREVENTION OF FLAVIVIRUS INFECTION

Group Art Unit: Unassigned

Examiner: Unassigned

#### INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents Washington, D.C. 20231

NEEDLE & ROSENBERG, P.C. Suite 1200, The Candler Building 127 Peachtree Street, N.E. Atlanta, Georgia 30303-1811

July 27, 2001

Sir:

Submitted herewith on form PTO 1449 is a listing of documents known to applicants and/or their attorneys in compliance with the requirements of 37 C.F.R. § 1.56. A copy of each of these documents is enclosed.

Consideration of the cited documents and making the same of record in the prosecution of the above-noted application are respectfully requested.

Applicants believe that this Information Disclosure Statement is being filed in accordance with 37 C.F.R. § 1.97(b)(3), i.e., before the mailing date of the first Office Action on the merits pertaining to the above-referenced application. Therefore, no fee is believed to be due. However, if a fee is



### ATTORNEY DOCKET NO. 14114.0332U3 Serial No. 09/826,115

required, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

Mary L. Miller

Registration No. 39,303

NEEDLE & ROSENBERG, P.C. Suite 1200, The Candler Building 127 Peachtree Street, N.E. Atlanta, Georgia 30303-1811 404/688-0770

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on the date shown below.

Mary L. Miller

July 2+ 700

ATYORNEY DOCKET NO. 14114.0332U3 SERIAL NO. 09/826,115 Page 1 of 4



ATTORNEY DOCKET NO.: 14114.0332U3 SERIAL NO. 09/826,115 Form PTO-1449 U.S. DEPARTMENT OF COMMERCE (Rev. 7-80) APPLICANT: Chang PATENT AND TRADEMARK OFFICE LIST OF PRIOR ART CITED BY APPLICANT FILING DATE: April 4, 2001 GROUP: Unassigned (Use several sheets if necessary) U.S. PATENT DOCUMENTS CLASS SURCLAS FILING DATE DOCUMENT NO. DATE NAME EXAMINER ΙF INITIAL APPROPRIATE 05/07/96 424 199.1 Paoletti et al. 5,514,375 AΑ 02/27/96 424 218.1 Lai et al. 5,494,671 ΛB 07/20/93 Matsuura et al. 435 320.1 AC 5,229,293 435 235 AD 5,021,347 06/04/91 Yasui et al. AΕ 4,810,492 03/07/89 Fujita et al. 424 88 FOREIGN PATENT DOCUMENTS 12/09/99 WO 99/63095 PCT AF 04/01/93 AG WQ 93/06214 PCT 03/05/92 PCT АH WO 92/03545 03/08/90 WO 90/01946 PCT AI OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.) Abstract, Japanese Patent Publication No. JP 05276941 "Non-infective structure particle AJ preparation, useful as vaccine - by infecting preliminary flavivirus infected cell with cDNA integrated recombinant vaccinia virus, and then separating non-infective structure particles containing E protein of flavivirus," (October 26, 1993) AΚ Deubel et al., Nucleotide Sequence and Deduced Amino Acid Sequence of the Nonstructural Proteins of Dengue Type 2 Virus, Jamaica Genotype: Comparative Analysis of the Full-Length Genome. Virol. 165: 234-244 (1988) West Nile Virus Recombinant DNA Vaccine Protects Mouse and Horse from Virus AI. Davis et al., Challenge and Expresses in Vitro a Noninfectious Recombinant Antigen That Can Be Used in Enzymelinked Immunosorbent Assays. J. Virol. 75(9): 4040-4047 (2001) (published on-line April 4, 2001) Konishi et al., Generation and Characterization of a Mammalian Cell Line Continuously AM Expressing Japanese Encephalitis Virus Subviral Particles. J. Virol. 75(5): 2204-2212 (2001) Asnis et al., The West Nile Virus Outbreak of 1999 in New York: The Flushing Hospital AN Experience. Clin. Infect. Dis. 30: 413-418 (2000) Chang et al., A Single Intramuscular Injection of Recombinant Plasmid DNA Induces Protective AO Immunity and Prevents Japanese Encephalitis in Mice. J. Virol. 74(9):4244-4252 (2000) Garmendia et al., Recovery and Identification of West Nile Virus from a Hawk in Winter. J. Clin. Microbiol. 38(8): 3110-3111 (2000)

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EXAMINER:	DATE CONSIDERED:

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.